

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

All cases identified in Exhibit B

MDL No. 2804

Hon. Dan Aaron Polster

**JANSSEN'S MOTION FOR LEAVE TO FILE AMENDED MOTION TO DISMISS
CLAIMS FILED BY CERTAIN NEW YORK SUBDIVISIONS AS BARRED BY
STATUTE**

Pursuant to Case Management Order One (Dkt. No. 232), Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (collectively, "Janssen") respectfully seek leave to file their Amended Motion to Dismiss Claims Filed by Certain New York Subdivisions as Barred by Statute. A copy of the Amended Motion is attached hereto as **Exhibit 1**. The Amended Motion seeks dismissal of claims brought by New York government subdivisions on the basis that such claims are statutorily barred by New York Mental Hygiene Law section 25.18(d), and in accordance with a settlement agreement reached between Janssen and the New York Attorney General. On June 21, 2022, the Court granted a similar motion to dismiss filed by Distributor Defendants on the same grounds. (Am. Mot. Ex. A).

This Amended Motion is nearly identical to the July 18, 2022 motion previously filed by Janssen (Dkt. No. 4581), except it adds one additional barred government entity and corrects

Exhibit B by adding that entity.¹ Janssen seeks leave to file an amended motion to correct this inadvertent omission.

Dated: July 21, 2022

Respectfully submitted,

/s/ Charles Lifland

Charles Lifland
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Email: clifland@omm.com

*Counsel for Johnson & Johnson; Janssen
Pharmaceuticals, Inc; Ortho-McNeil-Janssen
Pharmaceuticals, Inc.; Janssen Pharmaceutica,
Inc.*

¹ The additional entity added to Exhibit B in the Amended Motion is Erie County Medical Center, one of the plaintiffs in *Erie County Medical Center Corporation, et al., v. Teva Pharmaceuticals USA, Inc., et al.*, Case No. 1:21-op-45116.

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2022, a copy of **Janssen's Motion For Leave to File Amended Motion to Dismiss Claims Filed by Certain New York Subdivisions as Barred by Statute** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: July 21, 2022

/s/ Charles Lifland

Charles Lifland
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Email: clifland@omm.com

*Counsel for Johnson & Johnson; Janssen
Pharmaceuticals, Inc; Ortho-McNeil-Janssen
Pharmaceuticals, Inc.; Janssen Pharmaceutica,
Inc.*